

***The Oklahoma Senate***

# **Week In Review**

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Monday, March 23, to Thursday, March 26, 2009

***Monday, March 23***

- The Senate approved the following resolutions on Monday:

-SCR 14 by Sen. Brian Bingman, praises volunteer firefighters and mourns the loss of firefighter John Adams.

-SR 24 by Sen. Debbe Leftwich, designates March 2009 as National Colon Cancer Awareness Month in the State of Oklahoma.

- Senate committees approved the following legislation on Monday:

-HB 2151 by Rep. Don Armes, provides that the Legislature preempts all local laws regarding the care and handling of livestock.

-HB 1482 by Rep. Dale DeWitt, prohibits actions for nuisance from being brought agricultural activities on farm or ranch land that has lawfully been in operation for one year or more prior to the action.

-HB 1753 by Rep. Scott Martin, clarifies language regarding construction change orders for public construction contracts.

-HB 1048 by Rep. Gary Banz, relates to the collection of delinquent real property taxes, and removes the physically disabled from the definition of "incapacitated" persons granted additional time to redeem personal items; reduces time to collect excess sale proceeds by half.

-HB 1050 by Rep. John Carey, directs the Department of Education to encourage school districts to develop mentorship programs aimed at reducing drop-out rates.

-HB 1518 by Rep. Scott Inman, states that schools are allowed to exempt students from physical activity if the student has been placed under in school suspension or subject to disciplinary action by the school.

-HB 1318 by Rep. Jerry Shoemake, allows Oklahoma Used Motor Vehicle & Parts Commission to deny applications for licenses & impose a fine when suspending or revoking a persons license under certain circumstances.

-HB 1604 by Rep. Daniel Sullivan, relates to intoxicating liquors; modifies scope of action authorized by wholesaler licensee; requires certain inventories.

-HB 1821 by Rep. Steve Martin, prohibits persons convicted of certain felonies from obtaining a real estate license.

-HB 2151 by Rep. Don Armes, establishes the state Legislature as the final authority on livestock related law.

-HB 1482 by Rep. Dale DeWitt, protects farms or ranches with over a year of operation from being charged with a nuisance.

-HB 1873 by Rep. Jeff Hickman, increases the penalty for a first offense of trespassing on lands primarily devoted to farming, ranching or forestry purposes.

- The House on Monday approved numerous appropriations measures and the following resolutions:

-SCR 6 by Sen. Randy Brogdon, congratulates Kelsey Cartwright upon her selection of Miss Oklahoma 2008.

-HR 1026 by Rep. Daniel Sullivan, nominates Sue Ann Derr for the 2009 Carter/Hellard Legislative Staff Award in recognition for all her years of outstanding service to the state.

-HCR 1014 by Rep. Wade Rousselot, encourages all private Oklahoma employees who are veterans of the U.S. Armed Forces by allowing them to take Veterans Day off with pay.

- House committees approved the following bills on Monday:
  - SB 1146 by Sen. Clark Jolley, states that every manufacturer shall report to the Oklahoma Tax Commission in writing, monthly, no later than the tenth of each month on all sales of beverages.
  - SB 956 by Sen. Todd Lamb, would make state statutes regarding human trafficking congruent with federal law.
  - SB 1103 by Sen. Glenn Coffee, creates the Use of Force for the Protection of the Unborn Act by allowing a pregnant woman to use force to protect her unborn child.
  - SB 622 by Sen. Glenn Coffee, creates the "Oklahoma Uniform Anatomical Gift Act" sets circumstances, requirements, deals with refusal to make gifts, prohibiting certain people from anatomical gifts.
  - SB 611 by Sen. Patrick Anderson, modifies procedures for the disclosure of DNA from a laboratory performing analysis at the request of a forensic laboratory operated by the state.
  - SB 609 by Sen. Todd Lamb, amends the Oklahoma Workers' Comp court; modifies from 10 judges to 7 judges, four of which will be permanently assigned to the Oklahoma City Workers' Comp court, and three will be permanently assigned to the Tulsa Workers' Comp court.
  - SB 886 by Sen. Gary Stanislawski, deletes certain victim age requirements relating to school safety zones.
  - SB 478 by Sen. Clark Jolley, clarifies requirements for the record keeping of child-related injuries due to neglect by child care providers.
  - SB 794 by Sen. Clark Jolley, requires the Dept of Human Services to publish both successful and unsuccessful adoptions statistics.

***Tuesday, March 24***

- The Senate met Tuesday and approved two measures:

-HB 1618 by Rep. Daniel Sullivan, specifies the new address of the Oklahoma Banking Department.

-SR 23 by Sen. Ron Justice, declares March 24, 2009, "Ag Day" in the state of Oklahoma.

- Senate committees approved the following measures on Tuesday:

-HB 1601 by Rep. Daniel Sullivan, states that an attorney or counselor shall not deduct or withhold any portion of a legal judgment or any monies held in trust for a client for political donation.

-HB 1008 by Rep. John Carey, implements a statute of limitations of seven years for the crime of arson.

-HB 1049 by Rep. John Carey, directs law enforcement agencies to make available for public inspection a chronological list of all incidents.

-HB 1053 by Rep. Gary Banz, sets forth guidelines for courts to consider in determining equitable division of military retirement pay.

-HB 1064 by Rep. Ben Sherrer, modifies the election process for district judges of Rogers, Mayes and Craig counties.

-HB 1413 by Rep. Jason Nelson, states that the crime of "false impersonation or identity theft" shall be prosecuted within five years after the discovery of the crime.

-HB 1865 by Rep. Jeff Hickman, allows residents to purchase rifles, shotguns and ammunition from an out-of-state dealer, regardless of whether it is in a contiguous state.

-HB 2148 by Rep. Don Armes, creates the Uniform Limited Cooperative Association Act of 2009.

-HB 1678 by Rep. Pat Ownbey, expands the definition of "volunteer medical professional" and "referred volunteer medical professional" under the Volunteer Medical Professional Services Immunity Act to include a list of licensed medical professions.

-HB 2030 by Rep. Kris Steele, creates the Silver Alert Act, directing the Department of Public Safety to develop a statewide silver alert system to be

activated on behalf of missing senior citizens in cooperation with the Department of Transportation, the Department of Human Services, any law enforcement agency, the Oklahoma Association of Broadcasters and other appropriate agencies.

-HB 1052 by Rep. Earl Sears, establishes guidelines for renewing a driver license prior to the month of expiration.

-HB 1365 by Rep. Samson Ray Buck, requires operators of water vessels involved in collisions or accidents resulting in immediate death or great bodily injury who were also cited for a violation of the Oklahoma Boating Safety Regulation Act to submit to drug and alcohol testing.

-HB 1599 by Rep. Daniel Sullivan, raises the requirement for an intermediate Class D driver's license from 40 on-road hours to 50 hours.

-HB 1909 by Rep. Todd Thomsen, provides a tax credit for any state banking association, national banking association or credit union for the amount of the lender fee paid by the association or union to the U.S. Department of Education under a Stafford Loan guarantee program.

-HB 1097 by Rep. David Dank, creates a nine-member Task Force for the Study of Transferable Tax Credits until Jan. 1, 2010.

-HJR 1016 by Rep. Mike Jackson, puts to a vote of the people a measure that would cap increases on the taxable fair cash value for locally assessed real property which has qualified for the homestead exemption at 3 percent per year.

- The House met Tuesday, approving numerous appropriations bills and the following resolutions:

-HR 1024 by Rep. Rex Duncan, urges the Consumer Product Safety Commission to provide a waiver or exclusion for youth all-terrain vehicles and motorcycles from the lead-limit requirements of the Consumer Product Safety Improvement Act.

-HR 1028 by Rep. Don Armes, extends the House's sincere appreciation to Oklahoma's agriculture industry for its efforts and contributions to the state.

-SCR 10 by Sen. Ron Justice, commends the public, military, educational and civic service of former USAO President Roy Troutt.

- House committees passed the following measures on Tuesday:

-SB 670 by Sen. Cliff Aldridge, increases from 1,000 to 2,000 the minimum membership for statewide non-profit foundations established by a state agency.

-SB 831 by Sen. Brian Bingman, creates the Nuclear Energy Incentive Act.

-SB 277 by Sen. Mike Schulz, makes a felony, second and subsequent offenses of trespassing and unauthorized hunting on commercial hunting areas, punishable by a fine between \$1,500 and \$5,000 and/or imprisonment for a maximum of one year.

-SB 450 by Sen. Kenneth Corn, allows the hunting and taking of black bear with a license from the Wildlife Conservation Director.

-SB 428 by Sen. Jerry Ellis, prohibits the use of glass containers on boats, canoes, rafts and inflatable watercrafts in a scenic river area.

-SB 1031 by Sen. John Sparks, adjusts the fee for an annual hunting license.

-SB 757 by Sen. Sean Burrage, directs the Oklahoma Health Information Security and Privacy Collaboration to evaluate potential barriers to the broad adoption of standards-based electronic health information systems, including electronic health records and statewide health information exchange.

-SB 964 by Sen. Susan Paddack, modifies language related to the membership of and duties of a Department of Health advisory committee.

-SB 1178 by Sen. Jonathan Nichols, requires the Secretary of the Board of Medical Licensure and Supervision to preserve a record of physicians applying for reinstatement of their physician's license.

-SB 306 by Sen. Debbe Leftwich, requires municipalities to verify that a contractor has general liability insurance and workers' compensation insurance before issuing a residential building permit.

-SB 288 by Sen. Charles Wyrick, authorizes county purchasing agents to make purchases and rental or lease-purchase agreements outside the bidding process for asphalt if the agent obtains telephone quotes from at least three vendors prior to the purchase and the lowest and best quote is selected.

-SB 357 by Sen. Johnnie Crutchfield, authorizes boards of county commissioners to enter into agreements with municipalities for emergency services, including medical attention and wreck removal.

-SB 684 by Sen. Roger Ballenger, clarifies language related to county boards of adjustment.

-SB 829 by Sen. Kenneth Corn, excludes individuals employed by nonprofit corporations from reimbursement by the state for expenses incurred during authorized state travel.

-SB 712 by Sen. Jay Paul Gumm, directs the Governor to order U.S. and Oklahoma flags on state property to be flown at half-staff on the day of the memorial service for any Oklahoman who lost his/her life while a member of the U.S. Armed Forces.

### ***Wednesday, March 25***

- The Senate approved the following resolutions on Wednesday:

-SCR 15 by Sen. Mike Johnson, declares March 25, 2009, Boys and Girls Club Day at the state Capitol.

-SCR 16 by Sen. Dan Newberry, opposes the creation of a global currency to replace the dollar.

-SR 22 by Sen. Susan Paddock, recognizes March 25, 2009, as the 100<sup>th</sup> birthday of East Central University in Ada and commemorates and celebrates its centennial.

-SR 26 by Sen. Debbe Leftwich, honors the 2009 inductees into the Oklahoma Women's Hall of Fame.

- Senate committees approved the following bills on Wednesday:

-HB 1676 by Rep. Pat Ownbey, transfers the Criminal Justice Resource Center from the Legislative Service Bureau to the Oklahoma State Bureau of Investigation and the Office of the Attorney General.

-HB 1834 by Rep. Rebecca Hamilton, makes unlawful female genital mutilation.

-HB 1030 by Rep. John Wright, adds home invasion to the list of crimes for which convicted persons must serve 85 percent of their sentence.

-HB 1321 by Rep. Mike Reynolds, creates the Eliminate Driver License Lines Act, allowing certified driver education instructors who are currently operators or employees of a commercial driver training school to apply for certification by the Department of Public Safety to administer the driving skills portion of the Oklahoma driving exam.

HB 1360 by Rep. Marian Cooksey, increases from a misdemeanor to a felony assault or battery on an emergency medical care provider, and increases the penalties to custody with the Department of Corrections for a minimum of two years.

-HB 1579 by Rep. Charles Joyner, makes it unlawful for anyone to block a door or window during the commission of a crime to prevent or delay the arrival or entry of law enforcement.

-HB 2167 by Rep. Mark McCullough, creates the Private Attorney Retention Sunshine Act.

-HB 2263 by Rep. Mike Christian, creates legal statute for individuals who cause great bodily harm in a vehicle accident while knowingly operating a vehicle without proper license and directs the Department of Public Safety to extend suspension or revocation of such privileges an extra 12-month period.

-HB 1032 by Rep. Jason Murphey, would improve and bring up to date the state's purchasing operations by moving the state payroll to a bimonthly system.

-HB 1592 by Rep. Ann Coody, requires a superintendent or financial office or other relevant employee of a school district who has supervision of or authority to expend school district funds to be required to furnish a surety bond in the penal sum of not less than \$100,000 or an amount otherwise set by the State Board of Education.

-HB 1763 by Rep. John Enns, requires the Department of Education to provide training to special education due process hearing officers to ensure that they are knowledgeable in special education law and procedure.

-HB 1864 by Rep. Jeff Hickman, modifies calculation of the school year, requiring that it include at least 180 days or not less than 1,080 hours.

-HB 2249 by Rep. Randy Terrill, modifies income qualification calculations for the Oklahoma Higher Learning Education Program.

-HB 1489 by Rep. Dale DeWitt, modifies the apportionment of gross production tax revenue by removing the 2012 sunset date for apportionment of the gross production tax to the Oklahoma Water Resources Board.

-HB 1890 by Rep. Phil Richardson, establishes a \$25 fee for a senior citizens lifetime combination hunting and fishing license.

-HJR 1035 by Rep. John Enns, proposes a constitutional amendment modifying appropriation limitations from the Tobacco Settlement Endowment Trust Fund.

-HB 1741 by Rep. Ron Peters, authorizes district courts to establish a family drug court for treating children adjudicated as deprived and for treating their families who have in some way a substance abuse disorder.

- The House met Wednesday and approved numerous budget measures and the following resolutions:

-HR 1027 by Rep. T.W. Shannon, recognizes March 25, 2009, as Boys and Girls Clubs Day in the state to recognize Boys and Girls Clubs across Oklahoma.

-SCR 14 by Sen. Brian Bingman, praises volunteer firefighters and mourns the loss of volunteer firefighter John Adams.

-HR 1029 by Rep. Todd Thomsen, recognizes the 100<sup>th</sup> birthday of East Central University in Ada.

- House committees approved several measures including the following on Wednesday:

-SB 4 by Sen. John Ford, requires voters to provide proof of identity when voting.

-SB 602 by Sen. Brian Bingman, prohibits the Oklahoma Real Estate Commission from issuing a license to any individual who was convicted, pled guilty or no lo contender in Oklahoma or another state for certain felony crimes.

-SB 676 by Sen. Susan Paddack, directs the State Department of Education to issue a deficiency in the accreditation report for any district with a percentage of ninth-grade students who opt out of the college preparatory/work ready curriculum that exceeds 20 percent of the total ninth-grade enrollment.

-SB 880 by Sen. John Ford, eliminates the minimum membership number for and organization to be considered a retired teachers' organization by the Oklahoma Teachers' Retirement System.

-SB 585 by Sen. John Ford, permits public educational institutions and their employees to keep confidential campus security plans.

-SB 912 by Sen. John Sparks, prohibits nuisance actions from being brought against agricultural activities on farm or ranch land that has lawfully been in operation for two years or more.

-SB 636 by Sen. Ron Justice, specifies the enforcement of commodity measurements for the State Board of Agriculture and requires the board to promulgate rules for the enforcement of two handbooks from the National Institute of Standards and Technology.

-SB 698 by Sen. Patrick Anderson, permits the Oklahoma Department of Agriculture, Food and Forestry to take into possession any vehicle, implement of husbandry, farming equipment or farm implement and any and all livestock killed, taken, shipped or possessed in violation of the Agricultural Code.

-SB 730 by Sen. Charlie Laster, modifies language prohibiting convicted felons and delinquent children or youthful offenders to be in the presence of pistols, machine guns, shotguns or rifles, providing an exception for the placement of a person in a home with a full-time duly appointed peace officer who is certified by the Council on Law Enforcement Education and Training.

-SB 692 by Sen. John Ford, clarifies the language related to the notice that it is illegal for a notary public to charge a fee to notarize an official absentee ballot affidavit.

-SJR 12 by Sen. Randy Brogdon, proposes a constitutional amendment to limit the term of the Governor, Lieutenant Governor, State Auditor and Inspector, Attorney General, State Treasurer, Commissioner of Labor, Superintendent of Public Instruction, Insurance Commission and Corporation Commissioner to eight years.

### ***Thursday, March 26***

- The Senate met briefly Thursday, taking no action before adjournment.

### ***Other News***

- The Senate this week approved a resolution praising volunteer firefighters and mourning the loss of John Adams, a volunteer member of the Silver City Fire Department. The 45 year-old Silver City resident died on duty, after fighting a 12-hour wildfire west of Mannford. The fire covered 600 acres and required a total of nine fire departments, 23 brush trucks, three tankers, a Blackhawk helicopter and 60 firefighters to contain. Senate Concurrent Resolution 14 was authored by Sen. Brian Bingman and Rep. Skye McNiel to honor Adams.
- The state Senate has had 40 President Pro Tempores since statehood. On Tuesday, the Senate dedicated portraits of former Pro Tem Mike Morgan and the Senate's current leader Glenn Coffee. The portraits by world-renown Norman artist Mike Wimmer were commissioned by the Oklahoma State Senate Historical Preservation Fund.
- As part of National Agriculture Week, the state Senate on Tuesday approved a resolution declaring March 24, 2009, as "Ag Day" in the state of Oklahoma. Sen. Ron Justice authored Senate Resolution 23, to acknowledge the important role agriculture plays in the state's economy. Agriculture remains one of the top employers in the state, providing jobs for one in every six Oklahomans. There are approximately 86,500 farms in the state, and agriculture contributed \$5.8 billion to the Oklahoma economy in 2007.
- The State Legislature honored Miss Oklahoma 2008 Kelsey Cartwright Monday. State Sen. Randy Brogdon authored Senate Concurrent Resolution 6 recognizing her many talents and accomplishments. Cartwright was selected Miss Oklahoma at the 36th annual scholarship pageant at Oral Roberts University in Tulsa, Oklahoma last year. The then 20-year-old sophomore dance management major at Oklahoma City University won the

preliminary swimsuit competition. In the talent portion of the competition she performed a lyrical dance to "I Want You to Need Me". Cartwright qualified for the state competition by winning the Miss Keystone Lake pageant. One of 42 contestants in the Miss Oklahoma pageant, she received a \$16,000 scholarship and a new car. She then went on to compete in the Miss America pageant in Las Vegas, Nevada in January.